UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

16-2305 - Banks v. US

Response Brief

ORDER

The foregoing, having been received and examined is not in compliance with the rules of this court and is therefore rejected for filing at this time.

A corrected brief or appendix must be filed within 14 days from the date of this order or there could be adverse consequences. **Please read this letter carefully as some of the items may not apply to your appeal.**

- If the submission is rejected due to the principal attorney not filing an **Entry of Appearance and/or Docketing Statement**, you do not need to comply with the below mentioned items. Promptly submit the required form(s) [form(s) can be obtained on the court's website www.cafc.uscourts.gov]. Once the entry of appearance and/or docketing statement is received, your brief will be accepted for filing.
- If the submission is rejected for being **out of time**, you do not need to comply with the below mentioned items. Leave of court, requested by motion, to file the submission out of time is required.

The deficiencies are set forth in the attached listing. The following shall apply when making corrections:

1. Counsel may elect to make corrections to the rejected version held in the Clerk's Office, or file a new, corrected brief. *(Applies to briefs filed in paper format only.)*
2. To make corrections to the copies held in the Clerk's Office. Corrections must only be made by counsel of record or by designee. Briefs cannot leave the Clerk's Office. (See Practice Note 32) *(Applies to briefs filed in paper format only.)*
3. Inserts cannot extend beyond the original pages and cannot be left loose in the brief. *(Applies to briefs filed in paper format only.)*
4. The corrected brief must have the word "CORRECTED" on the cover.
5. The corrected version must be served on all counsel.
6. The corrected version must be accompanied by a new proof of service.
7. The deficiencies cited in this order must be the only changes made to the brief or appendix.

Calculation for the next filing starts from the mail service date of the original version, not the corrected version.

FOR THE COURT

January 31, 2017

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

cc: Mark Englund Christensen
John Broderick Ehret
Eugene J. Frett

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The Response Brief has been rejected for following reasons:

- All counsel whose names appear on the cover of the brief must submit an entry of appearance and must be admitted to practice before this court. Fed. Cir. R. 46; Fed. Cir. R. 47.3(a) [No EOA for Terry M. Petrie]
- The cover does not follow the official caption provided by the clerk. Fed. R. App. P. 32(a)(2)(C-D); Practice Note 32 [see below]

JOHN H. BANKS, MARY BANKS, ELIZABETH S. ERRANT TRUST, EUGENE J. FRETT, individually and as trustee of the Victor J. Horvath and Frances B. Horvath Trust dated November 1995, CHERIE R. OKONSKI, CRAIG D. OKONSKI, ANDREW G. BODNAR, CHRISTINE M. ZAHL-BODNAR, EHRET MICHIGAN TRUST,

Plaintiffs - Appellants

v.

UNITED STATES,

Defendant - Cross-Appellant